

REMARKS

Claims 1-5 were pending.

Claim 1 has been amended to recite that the roofing membrane comprises about 10-50% of additives, including a crystallinity enhancing polymer comprising high density polyethylene (HDPE). Claim 4 has been canceled without prejudice. Support for these amendments can be found throughout the present disclosure, for example in the Specification at page 5, lines 7-17 and claim 4 as filed. Therefore, no new matter has been added.

Claims 1-3 and 5 are now pending.

I. **Rejection of 1-5 Under 35 U.S.C. § 102(e)**

Claims 1-5 have been rejected under 35 U.S.C. § 102(e) as being anticipated by, U.S. Patent No. 6,743,864 to Glogovsky et al. ("Glogovsky"). Applicant respectfully traverses.

First, as amended, independent claim 1 recites a thermoplastic polyolefin (TPO) roofing membrane comprising cap and base layers made of, *inter alia*, about 10-50% additives including a crystallinity enhancing polymer comprising high density polyethylene (HDPE). As stated in the Specification, the crystallinity enhancing polymer is beneficial in providing tensile strength and heat resistance of the roofing sheets. *See* Specification, page 5, lines 7-17.

In contrast, Glogovsky does not teach roofing membranes comprising a crystallinity enhancing polymer. In fact, Glogovsky explicitly teaches that high levels of crystallinity are undesirable in its roofing membranes, as it may lead to "less thermal dimensional stability." (Glogovsky, col. 2, lines 12-14). None of the roofing membranes taught by Glogovsky contain crystallinity enhancing polymers comprising high density polyethylene (HDPE), and thus

Glogovsky does not anticipate the presently pending claims because it does not teach each and every element of claim 1 as presently amended, or claims 2, 3 and 5 that depend therefrom.

For at least these reasons, Applicant respectfully submits that these rejections have been overcome and should be withdrawn.

In view of the above amendments and remarks, the Applicant believes that each of the pending claims is in condition for allowance, early notice of which is earnestly solicited.

No fees, other than the fee for the extension of time, are believed to be due for the filing of this Amendment and Response. However, the Director is hereby authorized to charge all fees due, or credit any overpayments, to Deposit Account No. 03-1250, Reference No. FDN-2852, Customer No. 43,309.

Respectfully submitted,

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